THE HONOURABLE SRI JUSTICE V. ESWARAIAH

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WRIT PETITION No. 27877 of 2005

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Dated: 28-12-2005

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Between

Malan Bee, W/o. Mohammad Ajaz Ahmed,

R/o. 1-15, Nanakramguda Village,

Serilingampally Mandal, R.R. District.

...PETITIONER

AND

The Commissioner of Police, Cyberabad

and others.

...RESPONDENTS

ORDER:

Seeking a Mandamus, directing the respondents not to interfere in civil dispute pending in O.S.No.353 of 2005 on the file of the III Additional Chief Judge, City Civil Court, Hyderabad in respect of petitioner's property bearing Survey No.105 admeasuring 3 acres and Survey No.107 admeasuring 1 acre, total admeasuring 4 acres situated at Nanakramguda Village, Serilingampally Mandal,
R.R. District and harassing the petitioner to withdraw the suit,
the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

Learned counsel fro the petitioner submits that petitioner is the joint owner and possessor of the abovementioned property and the sisters of the petitioner have also got share in the said property.
The learned counsel further submits that when the co-owner of the petitioner tried to deprive her of her share, she was constrained to file a suit in O.S.No.353 of 2005 on the file of the III Additional Chief Judge, City Civil Court, Hyderabad, in which an interim injunction was granted in I.A.No.2556 of 2005 and the parties to the suit were directed to maintain status quo in I.A.No.2557 of 2005 by order dated 26.10.2005. The learned counsel further submits that the respondents in the suit in collusion with respondents 3 and 4 herein are trying to dispossess the petitioner from the suit property and the second respondent in order to help the respondents 3 and 4 is illegally interfering with the civil disputes in respect of the property in question.

I am not inclined to express any opinion on merits as to whether the petitioner is in possession of the property in question or any other person is in possession of the said property, as the matter is to be decided by the Civil court. Unless the said respondents in the suit or any other person files any report/complaint, alleging that the petitioner has committed a cognizance offence, the police cannot interfere with the civil disputes of the

petitioner. However, if there is any report/complaint filed against the petitioner, and the contents of the said complaint/report made out prima facie cognizable offence,
it is always open for the police to register a case and investigate into, in accordance with law. Therefore, the second respondent is directed not to interfere with the civil disputes in respect of the property in question except otherwise in accordance with law.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V. ESWARAIAH, J

December 28, 2005

Note: Furnish C.C of the order in three days

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DSK